

PAUL J. FISHMAN
United States Attorney
BY: RANDALL H. COOK
Assistant United States Attorney
970 Broad Street, Suite 700
Newark, New Jersey 07102
(973) 297-2064

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Honorable William H. Walls, Sr. U.S.D.J.
<i>Plaintiff,</i>	:	Criminal No. 09-112
v.	:	
PEDRO AVELLANEDA-CHAVEZ	:	PRELIMINARY ORDER OF FORFEITURE
<i>Defendant.</i>	:	

WHEREAS, on February 20, 2009, the United States filed an Indictment against Pedro Avellaneda-Chavez, charging him with knowingly and intentionally possessing with intent to distribute approximately 1,245 grams of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2; and

WHEREAS, on November 30, 2009, Pedro Avellaneda-Chavez pled guilty to the Indictment; and

WHEREAS, pursuant to 21 U.S.C. § 853, the Court in imposing a sentence on a person convicted of an offense in violation of 21 U.S.C. § 841, shall order that person to forfeit to the United States any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violation, and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation; and

WHEREAS, the defendant, Pedro Avellaneda-Chavez, has acknowledged notice of the criminal forfeiture and agreed at his plea hearing not to contest the forfeiture of the above-referenced property; and

WHEREAS, the defendant Pedro Avellaneda-Chavez acknowledges that the Property represents the amount of proceeds obtained as a result of his drug offenses, as set forth in the Indictment, and that the Property is therefore subject to forfeiture to the United States pursuant to 21 U.S.C. § 853.

WHEREAS, the defendant Pedro Avellaneda-Chavez has fully consented to the forfeiture of a sum of money equal to approximately \$1,000 in United States currency, and waives all interests in and claims to the Property described above and for good and sufficient cause shown;

WHEREAS, by virtue of the above, the United States is now entitled to possession of a sum of money equal to approximately \$1,000 in United States currency pursuant to 21 U.S.C. § 853 and Rule 32.2 of the Federal Rules of Criminal Procedure; and

It is hereby **ORDERED, ADJUDGED AND DECREED:**

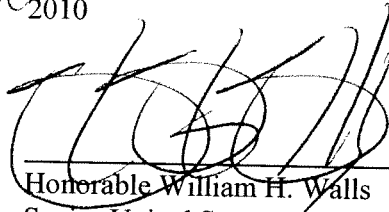
THAT the herein described property, namely a sum of money equal to approximately \$1,000 in United States currency is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853; and

THAT the aforementioned forfeited property is to be held by the appropriate United States agency in its secure custody and control until the appropriate disposition of said Property by the United States; and

THAT it is the intent of the United States pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other property of defendant Pedro Avellaneda-Chavez up to the value of approximately \$1,000 in United States currency if the forfeited property, as a result of any act or omission of defendant Pedro Avellaneda-Chavez:

- (a) cannot be located upon the exercise of due diligence
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty.

ORDERED this 14 day of October 2010



Honorable William H. Walls
Senior United States District Judge